

reimbursable fee agreements with persons for preclearance at locations outside the United States of plants, plant products, animals, and articles for movement into the United States.

(b) Overtime, night, and holiday work

Notwithstanding any other provision of law, the Secretary may pay an employee of the Department of Agriculture performing services relating to imports into and exports from the United States for overtime, night, and holiday work performed by the employee at a rate of pay established by the Secretary.

(c) Reimbursement

(1) In general

The Secretary may require persons for whom preclearance services are performed to reimburse the Secretary for any amounts paid by the Secretary for performance of the services.

(2) Crediting of funds

All funds collected under paragraph (1) shall be credited to the account that incurs the costs and shall remain available until expended without fiscal year limitation.

(3) Late payment penalty

(A) In general

On failure of a person to reimburse the Secretary for the costs of performance of preclearance services—

- (i) the Secretary may assess a late payment penalty; and
- (ii) the overdue funds shall accrue interest in accordance with section 3717 of title 31.

(B) Crediting of funds

Any late payment penalty and any accrued interest collected under this paragraph shall be credited to the account that incurs the costs and shall remain available until expended without fiscal year limitation.

(Pub. L. 104-127, title IX, §919, Apr. 4, 1996, 110 Stat. 1191.)

§ 2261. Credit of donations and proceeds from exhibitions to appropriations concerned with foreign market development programs

In the conduct of foreign market development programs, the Secretary of Agriculture is authorized to credit contributions from individuals, firms, associations, agencies, and other groups, and the proceeds received from space rentals, and sales of products and materials at exhibitions, to the appropriations charged with the cost of acquiring such space, products, and materials.

(Pub. L. 87-128, title II, §203, Aug. 8, 1961, 75 Stat. 307.)

CODIFICATION

Section was formerly classified to section 577 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 2262. Employee liability insurance on motor vehicles in foreign countries

The Secretary of Agriculture is authorized to obtain insurance to cover the liability of any

employee of the Department of Agriculture for damage to or loss of property or personal injury or death caused by the act or omission of any such employee while acting within the scope of his office or employment and while operating a motor vehicle belonging to the United States in a foreign country.

(Pub. L. 89-106, §3, Aug. 4, 1965, 79 Stat. 431.)

CODIFICATION

Section was formerly classified to section 578 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 2262a. Overseas tort claims

(a) In general

The Secretary of Agriculture may pay a tort claim in the manner authorized by section 2672 of title 28, if the claim arises outside the United States in connection with activities of individuals who are performing services for the Secretary.

(b) Period for presentation of claim

A claim may not be allowed under this section unless the claim is presented in writing to the Secretary of Agriculture within 2 years after the date on which the claim accrues.

(c) Finality

Notwithstanding any other provision of law, an award or denial of a claim by the Secretary of Agriculture under this section is final.

(Pub. L. 104-127, title IX, §920, Apr. 4, 1996, 110 Stat. 1191.)

§ 2263. Transfer of funds

Subject to limitations applicable with respect to each appropriation concerned, each appropriation available to the Department of Agriculture may be charged, at any time during a fiscal year, for the benefit of any other appropriation available to the Department, for the purpose of financing the procurement of materials and services, or financing activities or other costs, for which funds are available both in the financing appropriation so charged and in the appropriation so benefited; except that such expenses so financed shall be charged on a final basis, as of a date not later than the close of such fiscal year, to the appropriations so benefited, with appropriate credit to the financing appropriation.

(Pub. L. 89-106, §8, Aug. 4, 1965, 79 Stat. 432.)

CODIFICATION

Section was formerly classified to section 579 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 2264. National Agricultural Library; acceptance of gifts, bequests, or devises; conditional gifts

The Secretary of Agriculture is hereby authorized to accept, receive, hold, and administer on behalf of the United States gifts, bequests, or devises of real and personal property made unconditionally for the benefit of the National Agricultural Library or for the carrying out of any

of its functions. Conditional gifts may be accepted and used in accordance with their provisions provided that no gift may be accepted which is conditioned on any expenditure not to be met therefrom or from the income thereof unless such expenditure has been approved by Act of Congress.

(Pub. L. 91-591, §2, Dec. 28, 1970, 84 Stat. 1588.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2265 of this title.

§ 2265. Deposit of money accepted for benefit of National Agricultural Library; disbursement

Any gift of money accepted pursuant to the authority granted in section 2264 of this title, or the net proceeds from the liquidation of any other property so accepted, or the proceeds of any insurance on any gift property not used for its restoration shall be deposited in the Treasury of the United States for credit to a separate account and shall be disbursed upon order of the Secretary of Agriculture.

(Pub. L. 91-591, §3, Dec. 28, 1970, 84 Stat. 1588.)

§ 2266. Congressional reaffirmation of policy to foster and encourage family farms; annual report to Congress

(a) Congress reaffirms the historical policy of the United States to foster and encourage the family farm system of agriculture in this country. Congress believes that the maintenance of the family farm system of agriculture is essential to the social well-being of the Nation and the competitive production of adequate supplies of food and fiber. Congress further believes that any significant expansion of nonfamily owned large-scale corporate farming enterprises will be detrimental to the national welfare. It is neither the policy nor the intent of Congress that agricultural and agriculture-related programs be administered exclusively for family farm operations, but it is the policy and the express intent of Congress that no such program be administered in a manner that will place the family farm operation at an unfair economic disadvantage.

(b)(1) In order that Congress may be better informed regarding the status of the family farm system of agriculture in the United States, the Secretary of Agriculture shall submit to Congress, by July 1 of each year, a written report containing current information on trends in family farm operations and comprehensive national and State-by-State data on nonfamily farm operations in the United States.

(2) The Secretary shall also include in each such report—

(A) information on how existing agricultural and agriculture-related programs are being administered to enhance and strengthen the family farm system of agriculture in the United States;

(B) an assessment of how tax, credit, and other current Federal income, excise, estate, and other tax laws, and proposed changes in such laws, may affect the structure and organization of, returns to, and investment opportunities by family and nonfamily farm owners and operators, both foreign and domestic;

(C) identification and analysis of new food and agricultural production and processing technological developments, especially in the area of biotechnology, and evaluation of the potential effect of such developments on—

(i) the economic structure of the family farm system;

(ii) the competitive status of domestically-produced agricultural commodities and foods in foreign markets; and

(iii) the achievement of Federal agricultural program objectives;

(D) an assessment of the credit needs of family farms and the extent to which those needs are being met, and an analysis of the effects of the farm credit situation on the economic structure of the family farm system;

(E) an assessment of how economic policies and trade policies of the United States affect the financial operation of, and prospects for, family farm operations;

(F) an assessment of the effect of Federal farm programs and policies on family farms and non-family farms that—

(i) derive the majority of their income from non-farm sources; and

(ii) derive the majority of their income from farming operations; and

(G) such other information as the Secretary considers appropriate or determines would aid Congress in protecting, preserving, and strengthening the family farm system of agriculture in the United States.

(Pub. L. 95-113, title I, §102, Sept. 29, 1977, 91 Stat. 918; Pub. L. 97-98, title XVI, §1608, Dec. 22, 1981, 95 Stat. 1347; Pub. L. 99-198, title XIV, §1441, Dec. 23, 1985, 99 Stat. 1560.)

AMENDMENTS

1985—Subsec. (b). Pub. L. 99-198 designated first and second sentences as pars. (1) and (2), respectively, and amended par. (2), as so designated, generally. Prior to redesignation and amendment, second sentence read as follows: “The Secretary shall also include in each such report (1) information on how existing agricultural and agriculture-related programs are being administered to enhance and strengthen the family farm system of agriculture in the United States, (2) an assessment of how tax, credit, and other Federal laws may encourage the growth of nonfamily farm operations and investment in agriculture by nonfamily farm interests, both foreign and domestic, and (3) such other information as the Secretary deems appropriate or determines would aid Congress in protecting, preserving, and strengthening the family farm system of agriculture in the United States.”

1981—Pub. L. 97-98 substantially reenacted existing provisions, and inserted reference to tax and credit laws, and investment in agriculture by nonfamily farm interests, foreign and domestic.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.